

Message Text

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ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 /026 R

DRAFTED BY EUR/CE:WMWOESSNER:EM

APPROVED BY EUR:GVEST

L:LMARKS

JUSTICE:MSTEIN

S/S-O:LFLEISCHER

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FM SECSTATE WASHDC

TO AMEMBASSY BONN NIACT IMMEDIATE

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EXDIS

E.O. 11652: GDS

TAGS: PINS, GW

SUBJECT:KRISTINA BERSTER

REF: WOESSNER/MEEHAN TELCONS OF JULY 21

1. JUSTICE DEPT. ADVISES THAT WITHOUT REQUEST FOR PROVISIONAL ARREST FROM FRG (PRELIMINARY STEP IN SEEKING EXTRADITION), US AUTHORITIES MAY NOT BE ABLE TO MAINTAIN BAIL FOR KRISTINA BERSTER AT 500,000 DOLLARS BEYOND BEGINNING OF NEXT WEEK (I.E. JULY 24). US ATTORNEY HAD ARGUED FOR HIGH BAIL ON GROUNDS THAT FRG WOULD ASK FOR EXTRADITION. A LAWYER HAS ENTERED THE CASE AND PRESUMABLY WILL REQUEST THAT BAIL BE GREATLY REDUCED. BERSTER'S US OFFENSES ARE SUCH THAT BAIL FOR THEM WOULD NORMALLY BE NOMINAL. IN ABSENCE OF REQUEST FOR ARREST FROM FRG BASED ON CRIMINAL CHARGES IN GERMANY, LAWYER'S REQUEST TO

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REDUCE BAIL WILL PROBABLY BE GRANTED.

2. AS A RESULT OF SEPARATE CONVERSATIONS BETWEEN ASSISTANT SECRETARY VEST AND AMBASSADOR VON STADEN, AND EUR/CE AND FRG EMBASSY, FRG EMBASSY IS IN NO DOUBT AS TO URGENCY OF NEED FOR ACTION BY FRG GOVERNMENT. VON STADEN SAYS THAT HE GAVE FULL STATUS REPORT TO VAN WELL THIS

MORNING (JULY 21) AND IMPRESSED ON HIM NEED FOR FRG GOVERNMENT TO FILE REQUEST FOR ARREST OF BERSTER ASAP. MOREOVER, JUSTICE DEPARTMENT EXTRADITION EXPERTS HAVE MET DIRECTLY WITH FRG EMBASSY TO EXPLAIN PROCEDURES.

3. VON STADEN HAS JUST CALLED VINE TO SAY THAT THE PROSECUTOR-GENERAL HAS NOW ISSUED A WARRANT FOR BERSTER'S ARREST AND THAT A REQUEST TO US FOR PROVISIONAL ARREST WAS IN THE PIPELINE IN THE FRG MINISTRY OF JUSTICE AND FOREIGN OFFICE. VON STADEN HOPED TO GIVE THE REQUEST TO US SATURDAY, JULY 22. VON STADEN, WHEN ASKED WHAT CRIMES WERE ENUMERATED IN THE WARRANT, WAS UNABLE TO SAY, EXCEPT THAT THERE WERE SEVERAL. VINE REEMPHASIZED THE IMPORTANCE OF THE CRIMES BEING SUCH THAT THEY WERE COVERED BY OUR EXTRADITION TREATY.

4. ACTION REQUESTED: EMBASSY SHOULD CONTACT VAN WELL MORNING JULY 22 TO ASSURE THAT REQUEST FOR PROVISIONAL ARREST HAS BEEN FORWARDED AND TO ASSURE THAT REQUEST IS IN ACCORDANCE WITH PROCEDURES CAREFULLY SPELLED OUT TO FRG EMBASSY BY SPECIALISTS IN DEPARTMENT OF JUSTICE. FYI. THE DELAY ON THE FRG SIDE IS GETTING TO US A REQUEST FOR PROVISIONAL ARREST MAY BE DUE TO AN INABILITY TO SPECIFY AN EXTRADITABLE OFFENSE OR EXPIRY OF THE STATUTE OF LIMITATIONS. ANY LIGHT YOU CAN SHED ON THIS WOULD BE SECRET

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HELPFUL. END FYI.

5. YOU SHOULD INDICATE TO VAN WELL THAT IF KERSTER MUST BE RELEASED HERE BECAUSE OF FRG INACTION ON REQUEST FOR PROVISIONAL ARREST OR BECAUSE OF FRG INABILITY TO MEET REQUIREMENTS FOR EXTRADITION SPELLED OUT BY DEPARTMENT OF JUSTICE, THE REVERBERATIONS WILL BE GREAT. REMEMBER ABU DAOUD. VANCE

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